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TEXAS PRISON DEATHS

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There's a difference between tough and brutal

Posted: 7:00 p.m. Friday, June 14, 2013



By Editorial Board

Texas has never had the proclivity for coddling criminals. Few politicians have been punished for adopting a tough-on-crime line in their advertising pitches. But pleasing crowds and governing are distinct arts and require knowing the difference between being tough on crime and being brutal.

A report by the American-Statesman's Mike Ward in Friday's editions indicates that that the state's penal officialdom is still sorting out the difference. A lawsuit filed in Galveston on Thursday alleges that at least 13 prison deaths are attributable to temperatures that shoot above 100 degrees in cell blocks that aren't air conditioned.

The lawsuit, filed by the Austin-based Texas Civil Rights Project, alleges that negligence on the part of prison officials caused the deaths that were recorded in the years since 2007. Of those, 10 were reported in a six-week stretch between July and August 2011. According to the lawsuit, temperatures in the cell blocks climb above 100 degrees. In some prisons, temperatures reportedly topped 149, according to the plaintiffs' attorneys. In those conditions, the misery is shared by both the prisoners and guards. A spokesman for the prison system told Ward precautions are routinely taken to guard against heat-related illness and injury.

"The agency is committed to making sure that all offenders and staff are safe during the extreme heat," said John Hurt, the spokesman.

The family of Robert Allen Webb disagrees. Webb, 50, was a developmentally disabled man whose medical condition made him susceptible to heatstroke. He was serving a short sentence on a drunken driving conviction when he died in the Hodge Unit near Rusk in East Texas. Webb was found on the floor of his cell — a spot



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Jeb Bush, sensing

where prisoners try to cool off – at 3:30 a.m. Aug. 4, 2011.

“My brother laid in that cell and his brain boiled,” Sidney Webb told Ward.

A year later, Rodney Adams, 45, died at the Gurney Unit in East Texas from similar heat-related symptoms.

“When he was taken to the infirmary, his body temperature was 109.9 degrees,” said his daughter, Ashley Adams. “No one deserves to die so cruelly like this.”

In recent years, Sen. John Whitmire, D-Houston and longtime chair of the Senate’s Criminal Justice Committee, and ex-State Rep. Jerry Madden, R-Plano, steered the state away from locking up all but the worst offenders. Whitmire called the approach being smart on crime.

Big-box institutions not only serve as colleges of crime; they are litigation magnets as well. Yet, prisons are a necessity in protecting society from violent criminals. But even the most violent are accorded constitutional protection from cruel and unusual punishments. The storied Ruiz lawsuits of the 1970s resulted in reforms, but Texans invested a lot of time and money getting there. The lawsuit involving the heat-related deaths indicates we’ve got a way to go yet in finding the line between tough and brutal.

The lawyers for the inmates argue that they don’t want comfortable prisons — but they are demanding humane ones.

Most prisons were built without air conditioning — a choice that communicates that Texans don’t cotton to coddling prisoners. It’s a popular posture but may not be a practical one from a legal, health or humane perspective. In some prisons, lawyers said, indoor summer temperatures routinely reach 110 degrees. In one prison near Dallas, the temperature reportedly topped 149, lawyers in the case said.

Scott Medlock, a Texas Civil Rights Project attorney, pointedly noted that “If (prison) officers locked a dog in a hot car, they would go to prison for animal cruelty. Doing this to human beings, no matter what crime they were convicted of, is unconscionable.”

The courts will ultimately decide whether locking up prisoners in cell blocks where temperatures routinely climb over 100 degrees constitutes the cruel and unusual punishment the U.S. Constitution forbids.

Meanwhile, legislators should listen to the alarm sounded by the lawsuit and ask themselves if they could work and think well in a



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building featuring steel doors with the air conditioning shut off in July and August.

Webb and Adams might not be the most sympathetic figures, but theirs were not death penalty offenses. They died in the state's custody nonetheless.

Since the state still has difficulty distinguishing between tough and brutal, the courts will have to show it the difference.

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Mike Ward
American-Statesman Staff



Guards to join convict litigation over hot state prisons



COMMENT

4:04 p.m. Thursday, Aug. 29, 2013 | Filed in: News

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The union that represents Texas' correctional officers on Thursday announced its support for lawsuits filed over the deaths of at least 14 convicts in sweltering state prisons, saying the lockups should be cooled to relieve unbearable and dangerous conditions.

At a time when civil-rights lawsuits are pending in several Southern states, where the summer heat is hottest and most state prisons are not air conditioned, the development could add new impetus to a public debate in Texas over whether the time has come for some form of cooling systems.

At a press conference in Austin, Lance Lowry, president of a Huntsville-based local of the American Federation of State County and Municipal Employees, said the union plans to join in pending litigation — including a possible request for federal court intervention over temperatures inside prisons that he said can reach 130 degrees on some days.

"These conditions are dangerous to both the employees and the inmates," he said, noting that for officers to agree with convicts on litigation against the Texas Department of Criminal Justice is highly unusual. "It's time for the state to modernize its system ... at least to comply with its own standard for county jails that says the temperature can't exceed 85 (degrees)."

Brian McGiverin, a prison rights attorney with the Austin-based Texas Civil Rights Project, said having correctional officers behind the push for air-handling systems to be installed in prisons could help persuade state officials to make the change — even though the union has a small membership among the 30,000 correctional employees at 109 state prisons.

In response, prison officials disputed the suggestion that summer conditions inside prisons are dangerous.

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"The well-being of staff and offenders is a top priority for the agency and we remain committed to making sure that both are safe during the extreme heat," said Jason Clark, a prison spokesman. "TDCJ takes precautions to help reduce heat-related illnesses such as providing water and ice to staff and offenders in work and housing areas, restricting offender activity during the hottest parts of the day, and training staff to identify those with heat related illnesses and refer them to medical staff for treatment."

Officials have previously estimated the cost of installing air-cooling units at more than \$55 million. Prison officials said several months ago they have no plans to air-condition additional prisons. Currently, only 19 medical units and special-needs lockups are cooled now.

McGiverin said that many of the older Texas prisons are actually cooler than the dozens of newer ones built during the 1980s and early 1990s that are basically "a series of hot boxes for people to bake in."

Both he and Lowry criticized prison officials for their recent decision to spend more than \$700,000 on six new pig barns equipped with a "climate-controlled environment" to ensure the hogs don't overheat or get cold in the winter. The barns will be for mothers to birth their piglets, officials said.

"It's despicable that state officials care more for their livestock than their people," McGiverin said. "The management of this system is grossly indifferent ... It's a travesty."

Unlike in other states, mostly those to the north where cooler summer temperatures are the norm, most Texas prisons are not air conditioned. State prisons in Louisiana, Mississippi, Florida, Alabama and Florida are not cooled, a fact that Texas officials cite as proof their prisons are not dangerous.

In Arkansas, though, prison policy calls for summertime cell temperatures ranging from 74 to 78 degrees in its 19 prisons. Shea Williams, a spokesperson for the Arkansas Department of Correction, said the state's lockups were air-conditioned starting in the late 1970s.

"Obviously, in the summertime in the South, it makes it a more desirable place to work," she said.

In Louisiana, court-ordered monitoring revealed heat indexes as high as 110 degrees in July and early August, according to filings by convict attorneys. Actual temperatures generally are lower than heat indexes.

Such temperatures and heat indexes could violate the 8th Amendment's prohibition against cruel and unusual punishment, according to a July 2012 decision by the 5th U.S. Circuit Court of Appeals.

A temperature log at the Hutchins State Jail outside Dallas shows heat indexes of 150 degrees July 19, 2011, among other readings reaching well over 100 degree at other times that same day. In general, the outside air temperatures recorded at those times were about 10 degrees cooler.

3. [War against grackles escalates with hawk on p. in Waco](#)

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For Lowry and other Texas correctional officers, working in temperatures that hover around 100 degrees in summer months is too much — especially for correctional officers who are on heat-sensitive medication, are obese or have hypertension and other health issues.

“It feels like you’re working inside a convection oven,” said Lowry, a 13-year veteran. And the large fans that have been installed in prisons, “just blow hot air The noise can drown out cries for help, even calls on the radio.”

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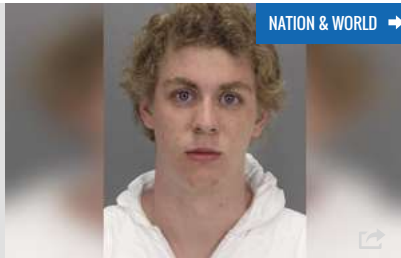
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Correctional Institutions Division
Inter-Office Communications

To: Sanders, Sandra
Lieutenant Correctional Officer

Date: July 22, 2011

From: Clark, Richard
Correctional Officer

Subject: McCollum, Larry #1721640

At approximately 0210, I was doing the count in C7 dorm and an offender came up to me and said his cellie was shaking I went to his C7-46 and the offender was having a seizure. I ran to the picket told him to call supervisor and a camera I went back to his bunk and made sure he didn't fall. After additional staff arrived I was told to go to B2 Bldg, after about 10 minutes.

SO4

MESSAGE ID: 221950

DATE: 07/29/11 TIME: 07:23am PROCPRI: 000

SUBJECT: OFFENDER DEATH

EAC USE ONLY: DATE REPORTED: TIME REPORTED:

EMERGENCY ACTION CENTER INCIDENT NO: E - 10521 - 07 - 11

MAJOR USE OF FORCE NUMBER (IF APPLICABLE): M -

TYPE OF INCIDENT: OFFENDER DEATH

UNIT: RJ REGION II DATE OCCURRED: 07 / 28 / 2011 TIME OCCURRED: 2035P

SPECIFIC LOCATION: NICU-RM 911

INITIAL INCIDENT COMMANDER: (IF APPLICABLE)

RANK/NAME: N/A

FINAL INCIDENT COMMANDER (IF COMMAND WAS TRANSFERRED):

RANK/NAME: N/A

LEVEL OF RESPONSE: (INDICATE ALL THAT APPLY)

A B C D E X N/A (IF INCIDENT WAS HANDLED WITHOUT

REQUEST FOR RESPONSE TEAM)

GANG IDENTIFICATION: NONE

WAS OFFICE OF INSPECTOR GENERAL NOTIFIED: X YES NO

WAS INCIDENT RACIALLY MOTIVATED: YES X NO

OFFENDER NAME (LAST, FIRST M)
MCCOLLUM, LARRY

OFFENDER INFORMATION

TDCJ NO

CUST

RACE

SEX

AGE

INJ

A-V

1721640

NR

W

M

58

N

WERE OFFENDERS TRANSFERRED TO A HOSPITAL X YES NO

BY: X EMS VAN LIFE FLIGHT

NAME OF HOSPITAL: PARKLAND HOSPITAL; 5200 HARRY HINES BLVD.; DALLAS, TX 75246

TREATMENT: N/A

NAME (LAST, FIRST M)

EMPLOYEE INFORMATION

SSN

RACE

SEX

AGE

RANK

WHEN REPORTING AN ALLEGED SEXUAL ASSAULT PLEASE PROVIDE THE FOLLOWING

WAS A RAPE KIT COMPLETED YES X NO DECLINED

WAS A SEXUAL ASSAULT REPRESENTATIVE REQUESTED/PROVIDED YES X NO DECLINED

IF YES NAME/TITLE OF REPRESENTATIVE: N/A

WHEN REPORTING A DEATH/SUICIDE/HOMICIDE PLEASE PROVIDE THE FOLLOWING

DATE: 07 / 28 / 2011 TIME: 23 : 35 PRONOUNCED DECEASED

PERSON PRONOUNCING VICTIM DECEASED NAME/TITLE: CHARLES OWENS, MD

COUNTY WHERE DEATH OCCURRED: DALLAS

FILED 07/28/2011 11:05 AM

NAME OF JAIL: SANDRA D LUTHER
 VARIOUS FEDERAL FORMS COMPLETED: YES NO
 DISTRICT OF DEATH NOTIFIED: YES NO

DESCRIPTION OF WEAPONS/ CONTRABAND

N/A

CHEMICAL AGENT INFORMATION

AMOUNT

LIST TYPE

AUTHORIZATION

N/A

WAS TEAM AUTHORIZED YES X NO DECONTAMINATED YES X NO INJURIES YES X

WERE ANY TECHNOLOGIES/PROTECTIVE EQUIPMENT/CANINE LISTED BELOW PERTINENT TO THIS INCIDENT?

YES NO X

IF YES, INDICATE APPLICABLE

PARCEL SCANNER	N/A
WALK THROUGH METAL DETECTOR	N/A
HAND HELD METAL DETECTOR	N/A
B.O.S.S. CHAIR	N/A
VIDEO SURVEILLANCE	N/A
HEARTBEAT DETECTION SYSTEMS	N/A
BODY ALARM	N/A
PERIMETER FENCE DETECTION SYSTEMS	N/A
STAB-RESISTANT VEST	N/A
NARCOTIC DETECTOR CANINE	N/A
CELL PHONE DETECTOR CANINE	N/A
PACK CANINES	N/A
S.A.R. CANINES	N/A
CONTRABAND INTERDICTION SHAKEDOWN TEAM	N/A
OTHER: N/A	

WHEN APPLICABLE INCLUDE IN THE "SUMMARY OF INCIDENT" HOW THE RESOURCE(S) IDENTIFIED ABOVE WAS RELEVANT TO THE INCIDENT.

SUMMARY OF INCIDENT

ON THURSDAY, JULY 28, 2011, AT 2335 HOURS, THE HUTCHINS UNIT ADMINISTRATION REPORTED AN OFFENDER DEATH BY RESPIRATORY FAILURE/ NEUROLOGICAL FAILURE OF OFFENDER MCCOLLUM, LARRY, TDCJ 1721640/ NR PROCESSING, A 58 YEAR-OLD WHITE MALE STANDING 5'10" TALL AND WEIGHING 320 POUNDS; SERVING A 12-MONTH SENTENCE FOR FORGERY OUT OF MCLENNAN COUNTY.

ON THURSDAY, JULY 28, 2011 AT APPROXIMATELY 1735 HOURS, THE BREATHING TUBES WERE REMOVED FROM OFFENDER MCCOLLUM AND AT 2335 HOURS, DR. CHARLES OWENS AND INTERN PHYSICIAN ROBERTO RAMIREZ PRONOUNCED THE OFFENDER DECEASED. MR. MICHAEL KECK OF THE OFFICE OF THE INSPECTOR GENERAL TOOK POSSESSION OF THE REMAINS. UPON COMPLETION OF THE OIG INVESTIGATION, THE REMAINS WERE TAKEN TO THE MORGUE AT PARKLAND HOSPITAL. CARNES FUNERAL HOME IN TEXAS CITY, TX., WAS CONTACTED AT 0000 HOURS. OFFENDER MCCOLLUM'S NEXT OF KIN WAS PRESENT AT THE TIME OF DEATH AND AN AUTOPSY HAS BEEN REQUESTED. ARRANGEMENTS ARE BEING MADE FOR THE FAMILY TO CLAIM AND TAKE POSSESSION OF THE REMAINS. ANY FURTHER ADDITIONAL INFORMATION WILL BE FORWARDED AS IT IS RECEIVED.

Case 4:14-cv-08253 Document 302-3 Filed 09/08/16 in TXSD Page 16 of 24
CHAPMAN MR. DEAN EARL TOFF WAS NOTIFIED AT 2345 HOURS. INDICATING TO
MR. ROBERT EASON WAS NOTIFIED AT 2351 HOURS. RELEASED DEPT. OF
JAIL CENTER WAS NOTIFIED AT 0000 HOURS. MS. COUNCIL OF THE FEDERAL
1-10521 07 11.

(SEND ADDITIONAL INFORMATION TO HQEACOI INCLUDE INCIDENT NUMBER AS SUBJECT)
PREPARED BY: LIEUTENANT SANDREA SANDERS
AUTHORIZED BY: SENIOR WARDEN JEFF PRINGLE DATE: 07 / 29 / 2011

Sent to: HQEAC

<list>

<to>

MESSAGE ID: 221005

DATE: 07/22/11 TIME: 03:11:28 PRIORITY: 000

SUBJECT: OFFENDER DEATH

THE HUTCHINS UNIT REPORTS THAT ON THURSDAY, JULY 28, 2011, AT 3335 HOURS, OFFENDER MCCOLLUM, LARRY, FOC# 1731640 WAS PRONOUNCED DECEASED BY DR. CHARLES OWENS AT PARKLAND HOSPITAL IN DALLAS, TEXAS. THE PRELIMINARY CAUSE OF DEATH WAS RESPIRATORY FAILURE/ NEUROLOGICAL FAILURE. OFFENDER MCCOLLUM'S NEXT OF KIN, MS. SANDRA MCCOLLUM, WAS PRESENT AT THE TIME OF DEATH. MS. MCCOLLUM'S ADDRESS IS 4022 E. HARRIS #9, WACO, TEXAS, 76705. CARNES FUNERAL HOME WAS CONTACTED CONCERNING THE DEATH AND COORDINATED WITH CONNELLY-COMPTON FUNERAL HOME IN WACO, TEXAS FOR THE DISPOSITION OF THE REMAINS.

LJ. SANDREA SANDERS
HUTCHINS UNIT

Sent to: HQCR001
SSA6871
SHACK

CLASS, RECORDS OFFICE (to)
SANDERS, SANDREA (to)
(list) (to)

From: Sandra Sanders/Institutional/TDCJ
To: Robert Eason/Institutional/TDCJ@TDCJ, Jeff Pringle/Institutional/TDCJ@TDCJ, Balden Polk/Institutional/TDCJ@TDCJ, Terry May/Institutional/TDCJ@TDCJ, Kyron Session/Institutional/TDCJ@TDCJ, Tedral Towery/Institutional/TDCJ@TDCJ
cc: Della Hale/Institutional/TDCJ@TDCJ, Christopher Hernandez/Institutional/TDCJ@TDCJ, Kevin Brown/Institutional/TDCJ@TDCJ, Johnny Roberts/Institutional/TDCJ@TDCJ, Sandra Sanders/Institutional/TDCJ@TDCJ

Date: Friday, July 22, 2011 07:57AM
Subject: Off-site Medical Transport (McCollum, Larry #1721640)

To All Concerned:

On Friday July 22, 2011 and at approximately 0400 hours, offender McCollum, Larry TDCJ# 1721640 was transported from Hutchins State Jail to Parkland Hospital via 911 Ambulance Service. The following information is provided:

1. Region: Region II
2. Offender Name: McCollum, Larry # 1721640
3. Custody Level: Unassigned Processing
4. Security Precaution Designators: None
5. Unit of Assignment: Hutchins State Jail
6. Offsite Medical Center: Parkland Hospital 5200 Harry Hines Blvd., Dallas, Tx. 75246
7. Mode of Transportation: 911 Ambulance Service
8. Escorting Officers: T. Cain, CO4; T. Inniss, CO4
9. Departure Time From The Unit: 0400 hours
10. Return Time To the Unit: Unknown at this time.

Be advised that on the above date and at approximately ⁰²⁷⁶~~0330~~, during a security check, offender McCollum was found on his bunk having what appeared to be a seizure. ICS was initiated and a supervisor arrived to the scene and assessed the situation. Offender McCollum continued to seize for several minutes. The triage nurse at the Crain Unit was contacted and because the offender had no medical notes in the computer, she recommended that 911 be called and the offender transported to the hospital. At approximately 0400 hours, offender McCollum departed the unit to Parkland Hospital. All further information will be forwarded.

Lt. Sanders

Texas Department of Criminal Justice
CORRECTIONAL INSTITUTIONS DIVISION
Inter-Office Communications

To: All concerned Date: July 22, 2011

From: Lieutenant Sandra Sanders Subject: McCollum, Larry #1721640

On Friday July 22, 2011, at approximately 0230 hours, Officer Richard Clark, COV, was in C7 dorm conducting count. An unidentified offender approached the officer and stated that his cellie was shaking. At that time, Officer Clark went to the bunk in question, C7-46 and found offender McCollum, Larry TDCJ# 1721640, a White, male, J2, 58 years-old, serving a 1-year sentence out of McLennan County for Forgery, having a seizure. Officer Adeotun Jolayemi, COIV, was assigned to C5-8 building as well. When she came to the dorm to count, she was notified by Officer Clark that the offender needed medical assistance. Officer Jolayemi initiated ICS, calling for additional staff, a video camera and a supervisor. Sergeant Karen Tate arrived on the scene and attempted to talk and calm the offender in an effort to get a response from offender McCollum. This was to no avail. Offender McCollum continued to seize for several more minutes. At approximately 0240 hours, I, Lieutenant Sandra Sanders, arrived at C7 dorm to make an assessment. Offender McCollum was still seizing and I then contacted the Crain Unit and spoke with triage nurse. The nurse could not find any medical information in the system that verified the offender having any seizure disorder therefore she recommended that the offender be transported to the hospital via ambulance. At approximately 0300 hours, offender McCollum was transported via ambulance from the Hutchins Unit to Parkland Hospital. Officer T. Cain, CO5 and Officer T. Inniss, CO4 served as the transport officers. Duty Warden Balden Polk was notified of the incident and the transport at approximately 0330 hours. Warden Jeff Pringle was notified at approximately 0500 hours.

TERRY DEPARTMENT OF CRIMINAL JUSTICE

Inter-Office Communications

TO: To Whom It May Concern.DATE: July 22, 2011FROM: Sgt. TateSUBJECT: Offender McCollum C7

At approx. 0300am I was called to C2 building regarding a offender having a seizure, I responded to C7 dorm and found Offender McCollum on a top bunk having a seizure, I attempted to speak with the offender asking him if he was ok and patting a cool damp cloth telling him to come on and calm down and wake up with no response. Additional staff was called to assist in removing him from the bunk. Lt Sanders was in constant contact with me while contacting the Crain Unit and contacting 911 for a transport to Parkland. The Transport left the Unit at Approx. 0338. The ambulance EMT's stated the ride to Parkland would be done as a code status.

Thank-You, Sgt. Tate